

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR MADISON COUNTY

Case No. 48S00-1303-MS- 211

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Madison Circuit Court request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.


Upon examination of the proposed rule amendment requested by the Madison Circuit Court, this Court finds that the proposed rule amendment, LR48-AR00-07 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR48-AR00-07 for Madison Circuit Court, set forth as an attachment to this Order, is approved effective March 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Dennis D. Carroll, Madison Circuit Court 6, 16 East Ninth Street, Anderson, IN 46016-1574; the Hon. Thomas L. Clem, Madison Circuit Court 5, 16 East Ninth Street, Anderson, IN 46016-1576; the Hon. Thomas Newman, Jr., Madison Circuit Court 3, 16 East Ninth Street, Anderson, IN 46016-1572; the Hon. G. George Pancol, Madison Circuit Court 2, 16 East Ninth Street, Anderson, IN 46016-1579; the Hon. Angela Warner Sims, Madison Circuit Court 1, 16 East Ninth Street, Anderson, IN 46016-1579; the Hon. David A. Happe, Madison Circuit Court 4, 16 East Ninth Street, Anderson, IN 46016-1576; to the Clerk of the Madison Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Madison Circuit Court is directed to enter this Order and attachment in

the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 21 day of March, 2013.



Brent E. Dickson
Chief Justice of Indiana

MADISON COUNTY
ADMINISTRATIVE RULES

LR48-AR00-01 COURT CLOSINGS

When the County Commissioners close the Government Center due to inclement weather or other reason, all Court Offices shall be closed unless specifically otherwise ordered by the presiding Judge.

LR48-AR00-02 DIVISIONS OF THE MADISON CIRCUIT COURT

The Madison Circuit Court shall consist of divisions of the court and shall be known as Madison Circuit Court No. 1 (f/k/a the Madison Circuit Court); Madison Circuit Court No. 2 (f/k/a Madison Superior Court 2); Madison Circuit Court No. 3 (f/k/a Madison Superior Court No. 3); Madison Circuit Court No. 4 (f/k/a Madison Superior Court 4); Madison Circuit Court No. 5 (f/k/a Madison Superior Court 5); Madison Circuit Court No. 6 (f/k/a Madison Superior Court 1).

LR48-AR00-03 ADMINISTRATION OF THE MADISON CIRCUIT COURT AND SELECTION OF A CHIEF JUDGE

A. To efficiently administer the Court, all divisions shall utilize a common budget, public defender services, probation services, and share other resources as deemed necessary. The Judges of the divisions shall comprise the administrative board of the Court.

B. There shall be a Chief Judge of the Court who shall automatically be selected on the following rotation schedule:

Presiding Judge of Circuit Court 6 (beginning 1/1/98)
Presiding Judge of Circuit Court 4
Presiding Judge of Circuit Court 2
Presiding Judge of Circuit Court 5
Presiding Judge of Circuit Court 3
Presiding Judge of Circuit Court 1

Thereafter, the Chief Judge shall continue to be selected and serve pursuant to this schedule. The term of the Chief Judge shall be one year, beginning January 1 and ending on December 31 of year of service. In the event a designated Chief Judge is unavailable to serve as Chief Judge, the previous year's Chief Judge will assume Chief Judge duties if the vacancy occurs before June 30. If the vacancy occurs subsequent to June 30, the Chief Judge for the subsequent year shall assume the duties of Chief Judge.

C. Each Division of the Court shall maintain its own chronological case summary (CCS), record of judgment and orders (RJO), and calendar.

D. The staff of each Court shall report to the presiding Judge of that Court and shall not be considered an employee of any other Court.

E. All actions affecting the six Courts shall require the consent of a majority of the Unified Court Judges.

LR48-AR00-04 COURT ADMINISTRATOR

A. The Presiding Judges of the Court shall appoint a Director of Court Administration who shall have such duties and responsibilities as are assigned by said Judges.

B. The presiding Judges shall appoint other Directors and Administrators as may be necessary to carry on the business of the Court. Employees of the various divisions shall be selected by said Directors with the advice and consent of the Judges.

LR48-AR00-05 JURISDICTION OF DIVISIONS

A. Dockets for each division of the Court shall be assigned as follows:

Civil dockets Divisions 1, 2, 3, 4, 5, and 6.

Criminal dockets Divisions 1, 3, 4, 5, and 6.

Probate dockets Divisions 1, 3, and 6.

Juvenile dockets Divisions 2 and 1.

C. Civil cases may be filed in any appropriate division in accordance with the caseload plan for Madison County (see LR48-AR00-07). Division selection in criminal cases will be effectuated randomly by the Clerk of the Court, in accordance with LR48-CR2.2-13.

D. Requests for Trial De Novo filed in a Circuit Court shall automatically be transferred by the Madison County Clerk to the Madison Circuit Court, in the same manner as criminal cases are assigned, that is to say, by random selection.

CRIMINAL RULES

LR48-CR2.2-13: CRIMINAL DOCKETS (ASSIGNMENT)

SECTION I

All felonies and misdemeanors filed in the Madison Circuit Court shall be assigned and docketed in accordance with this Rule.

Charges shall be filed and assigned pursuant to Section II, if applicable. If Section II is not applicable, charges shall be filed and assigned in accordance with Section III.

Cases with multiple defendants or with co-defendants shall be considered one case for filing purposes and shall be assigned to a single court, although each defendant may be given a separate cause number.

SECTION II

If jurisdiction exists in said Court, new felony and misdemeanor charges shall be filed in the Court where other charges are pending against the defendant or where the defendant is on probation or otherwise under supervision.

SECTION III

Capital cases, life without parole cases, Class A felonies, Class B felonies and Class C felonies shall be randomly filed in Circuit Court 1, Circuit Court 6, and Circuit Court 3. Class D felonies and misdemeanors shall be randomly filed in Circuit Court 4 (40%); Circuit Court 5 (40%); and Circuit Court 3 (20%).

SECTION IV

When a case requires a change of Judge, the Clerk shall randomly select a new Judge from the remaining judges exercising comparable jurisdiction. The Clerk shall so notify the new Judge of the appointment as Special Judge. If a selected Special Judge is unable to accept jurisdiction due to conflict of interest, or the Special Judge is later disqualified, the Clerk shall select a successor Special Judge at random from the remaining Judges of the Circuit Court exercising criminal jurisdiction.

LR48-AR00-07 CASELOAD PLAN

A. In compliance with Administrative Rule 1(E), the following chart reflects the directed jurisdictional caseload allocation for the Madison Circuit Court. No part of this rule shall prohibit the transfer of individual cases to promote efficiency, fair distribution, or the timely resolution of cases.

CASELOAD ALLOCATION						
Case Type	Circuit 1	Circuit 2	Circuit 3	Circuit 4	Circuit 5	Circuit 6
MR			33.3%	33.3%		33.3%
FA			33.3%	33.3%		33.3%
FB			33.3%	33.3%		33.3%
FC			33.3%	33.3%		33.3%
FD	50%				50%	
CM	50%				50%	
MC						
PL						
MF	33.3%		33.3%			33.3%
CC	Over \$3,000		Over \$3,000	Under \$3,000		Over \$3,000
CT						
SC				50%	50%	
DR						
DR (Pro se)	33.3%		33.3%			33.3%
RS						
MH	100%					
AD						
ES/EU						
GU						
TR						
PO			50%		25%	25%
MI	20%		20%	20%	20%	20%
MI (IV-D)	33.3%		33.3%			33.3%
OV						
JC		100%				
JD		100%				
JS		100%				
JP		100%				
JM		100%				
JT		100%				

(Effective March 1, 2013)